

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1395-05
Bill No.: Truly Agreed To and Finally Passed SS for HB 579
Subject: Emergencies; Governor; Health Care Professionals; Liability
Type: Original
Date: June 1, 2007

Bill Summary: Provides for immunity from liability for certain health care professionals deployed during a state of emergency.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
State Legal Expense	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (COA) - Administrative Hearing Commission, Department of Public Safety (DPS) - Director's Office, DPS - State Emergency Management Agency, Department of Insurance, Financial and Professional Regulation, Department of Health and Senior Services, Office of Lieutenant Governor, Missouri House of Representatives, and Missouri Senate** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal is less than \$2,500. The SOS does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the SOS can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the costs of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **Department of Mental Health (DMH)** state the proposal provides for immunity from liability for certain health care professionals deployed during a state of emergency. The impact to the DMH would not be significant as it is doubtful the Governor's mandated deployment would impinge on staffing levels to a degree that would jeopardize the level of care and treatment that the DMH is statutorily required to provide to the citizens of this state. Therefore, the DMH assumes no fiscal impact.

Officials from the **COA Risk Management - Division of General Services** state it is unknown the number of non-health care professional volunteers that may be utilized in a declared emergency and the extent of their services. Therefore, the cost to provide protection under the State Legal Expense Fund cannot be determined at this time.

The state self-assumes its own liability protection under the State Legal Expense Fund, Section 105.711, RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

Oversight is providing \$0 to Unknown costs for this proposal as it is uncertain when the Governor may declare a state of emergency that would require the use of non-health care professional volunteers.

ASSUMPTION (continued)

Officials from the **Office of the Governor** did not respond to our request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008	FY 2009	FY 2010
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STATE LEGAL EXPENSE FUND

Costs - Office of Administration

Additional liability for non-health care professional volunteers	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
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ESTIMATED NET EFFECT ON STATE LEGAL EXPENSE FUND	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal allows for the deployment of any health care professional licensed, registered, or certified in this or any other state who volunteers during an emergency declared by the Governor and grants them immunity from civil damages for their services. Currently, only workers licensed, registered, or certified in this state are allowed to be deployed.

The proposal allows the Department of Health and Senior Services, in a governor-declared state of emergency, to suspend any provision of chapters 195 and 334, RSMo. The Department of Health and Senior Services may use non-health care professional volunteers, who deemed as unpaid employees, will be protected by the legal expense fund and other provisions of section 105.711.

FISCAL DESCRIPTION (continued)

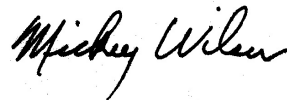
The proposal contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -
 Administrative Hearing Commission
 Division of General Services/Risk Management
Department of Insurance, Financial and Professional Regulation
Department of Mental Health
Department of Health and Senior Services
Department of Public Safety -
 Director's Office
 State Emergency Management Agency
Missouri House of Representatives
Office of Lieutenant Governor
Missouri Senate
Office of Secretary of State

NOT RESPONDING: Office of the Governor



Mickey Wilson, CPA
Director
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